

HOUSE BILL No. 1073

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-34-2.5-1; IC 34-30-2-134.5.

Synopsis: Immunity for accepting certain abandoned children. Provides immunity to an emergency medical services provider (provider) or the provider's employer who takes custody of a child that is voluntarily left by the child's parent if the provider takes custody of the child in good faith. Limits the extension of immunity for the provider to acts or omissions that do not result from the provider's gross negligence or willful, wanton, or intentional misconduct.

Effective: July 1, 2016.

Cox

January 5, 2016, read first time and referred to Committee on Judiciary.



Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1073

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 31-34-2.5-1, AS AMENDED BY P.L.128-2012,
2 SECTION 158, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) An emergency medical
4 services provider shall, without a court order, take custody of a child
5 who is, or who appears to be, not more than thirty (30) days of age if:
6 (1) the child is voluntarily left with the provider by the child's
7 parent; and
8 (2) the parent does not express an intent to return for the child.
9 (b) An emergency medical services provider who takes custody of
10 a child under this section shall perform any act necessary to protect the
11 child's physical health or safety.
12 (c) Any person who in good faith voluntarily leaves a child with an
13 emergency medical services provider is not obligated to disclose the
14 parent's name or the person's name.
15 **(d) Any:**
16 **(1) emergency medical services provider who takes custody of**
17 **a child under this section; or**



1 **(2) employer of an emergency medical services provider that**
2 **takes custody of a child under this section;**
3 **is immune from any civil or criminal liability that might result**
4 **from the receipt of the child if custody of the child is taken in good**
5 **faith. This immunity does not extend to any act or omission**
6 **resulting from gross negligence or willful, wanton, or intentional**
7 **misconduct.**

8 SECTION 2. IC 34-30-2-134.5 IS ADDED TO THE INDIANA
9 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2016]: **Sec. 134.5. IC 31-34-2.5-1(d)**
11 **(Concerning an emergency medical services provider and the**
12 **employer of the emergency medical services provider who takes**
13 **custody of a child who is voluntarily left with the provider by the**
14 **child's parent).**

